

## **ANALYSIS**

This ordinance amends Title 22 - Planning and Zoning of the Los Angeles County Code to establish new development standards and case processing procedures for child care facilities. The ordinance reduces permitting requirements and filing fees for large family child care homes and child care facilities. The ordinance also establishes development standards for large family child care homes in low density residential zones to ensure their compatibility with the residential character of the surrounding neighborhood.

### **OFFICE OF THE COUNTY COUNSEL**

By  
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Principal Deputy County Counsel  
Public Works Division

LLH:di

05/09/02 (requested)

05/10/02 (revised)

**ORDINANCE NO. 2004-0030**

An Ordinance amending Title 22 - Planning and Zoning of the Los Angeles County Code to modify requirements for child care facilities.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Section 22.08.030 is hereby amended to revise the definition of child care center as follows:

**22.08.030 C.**

. . .

- “Child care center” means a facility other than a large family day child care home or a small family child care home in which less than 24-hour-per-day nonmedical care and supervision is provided for children in a group setting as defined and licensed under the regulations of the state of California.

. . .

**SECTION 2.** Section 22.08.060 is hereby amended to delete the definition of family day care home and to add the following definitions of large family child care home and small family child care home in alphabetical order as follows:

**22.08.060 F.**

. . .

- “Family ~~day child care home, large,~~” means a facility home where that regularly provides non-medical care, protection, and supervision is ~~provided to~~ for nine (9) to fourteen (14) children, in the caregiver’s provider’s own home, for periods of less than ~~24-hours~~ 24 hours per day

-as defined and licensed under the regulations of the state of California.

~~Family day care homes” include large family day care homes and small family day care homes.~~

-- “Family child care home, small” means a home that regularly provides non-medical care, protection, and supervision for eight (8) or fewer children in the provider’s own home for periods of less than 24 hours per day, as defined and licensed under the regulations of the state of California.

. . .

**SECTION 3.** Section 22.08.120 is hereby amended to delete the definition of large family day care home as follows:

**22.08.120 L.**

. . .

-- ~~“Large family day care home” means a home which provides family day care for seven to 12 children, including those children under the age of 10 years who reside at the home.~~

. . .

**SECTION 4.** Section 22.08.190 is hereby amended to delete the definition of small family day care home as follows:

**22.08.190 S.**

. . .

~~“Small family day care home” means a home which provides family day care to six or fewer children, including those children under the age of 10 years who reside at the home.~~

. . .

**SECTION 5.** Section 22.20.021 is hereby added to read as follows:

**22.20.021 Large Family Child Care Homes – Regulations.**

A. Large family child care homes established in Zone R-1, R-2 or R-A shall be subject to the filing of a “Notice of Intent to Establish a Large Family Child Care Home” with the director. No fee shall be required for this filing. Except as provided in subsection B, every large family child care home in Zone R-1, R-2 or R-A shall be subject to the following development standards:

1. Drop-off/pick up areas, such as curb spaces and driveway areas, which are of sufficient size and are located to avoid interference with traffic and to insure the safety of children must be identified; and

2. The proposed facility shall not be located:

a. Within two lots of an existing large family child care home on the same side of the street; and

b. On the lot directly across the street from an existing large family child care home, or on either of the lots adjoining such lot on the same side of the street.

3. In those cases where lot sizes or configurations, such as corner lots, do not conform to those described in subsection 2 above, the proposed facility shall not be located on any lot determined by the director to be of comparable proximity to an existing large family child care home as the lots described in subsection 2 above.

B. Where the standards of subsections A.1 and A.2 above have not been met, they may be modified by the director pursuant to the procedures of Part 12 of Chapter 22.56 and the requirements set forth in Section 22.56.1757.

**SECTION 6.** Sections 22.20.070, 22.20.170, and 22.20.410, and subsections 22.24.070.A and 22.24.120.A are hereby amended to revise the list of permitted uses in Zones R-1, R-2, R-A, A-1 and A-2 in alphabetical order as follows:

. . .

-- Family child care homes, large, subject to the procedures and standards provided in subsection A of Section 22.20.021.

. . .

-- ~~Small family day~~ Family day child care homes, small.

. . .

**SECTION 7.** Section 22.20.090 and subsections 22.20.190.A, 22.20.430.A, 22.24.090.A, and 22.24.140.A are hereby amended to revise the list of uses subject to director's review and approval in Zones R-1, R-2, R-A, A-1 and A-2 in alphabetical order as follows:

. . .

- ~~Large-fFamily day~~ child care homes, large, where the standards of subsection A of Section 22.20.021 have not been met.

. . .

**SECTION 8.** Section 22.20.260 is hereby amended to revise the list of permitted uses in Zone R-3 in alphabetical order as follows:

**22.20.260 Permitted uses.**

. . .

- Child care centers serving no more than 50 children.

. . .

- Family child care homes, large.

. . .

- ~~Small-fFamily day~~ child care homes, small.

. . .

**SECTION 9.** Subsection A of Section 22.20.280 is hereby amended to revise the list of uses subject to director's review and approval in Zone R-3 in alphabetical order as follows:

**22.20.280      Uses subject to director's review and approval.**

...

A.

...

~~--      Child care centers serving more than 50 children.~~

...

~~—— Large family day care homes.~~

...

**SECTION 10.** Subsection A of Section 22.20.290 is hereby amended to delete child care centers from the list of uses subject to permits in Zone R-3 as follows:

**22.20.290      Uses subject to permits.**

...

A.

...

~~—— Child care centers.~~

...

**SECTION 11.** Section 22.20.340 is hereby amended to revise the list of permitted uses in Zone R-4 in alphabetical order as follows:

**22.20.340 Permitted uses.**

...

-- Child care centers.

...

-- Family child care homes, large.

...

-- ~~Small family day~~ Family day child care homes, small.

...

**SECTION 12.** Subsection A of Section 22.20.360 is hereby amended to delete large family day care homes from the list of uses subject to director's review and approval in Zone R-4 as follows:

**22.20.360 Uses subject to director's review and approval.**

...

A.

...

~~Large family day care homes.~~

...



**SECTION 13.** Subsection B of Section 22.20.360 is hereby amended to delete child care centers from the list of uses subject to director's review and approval in Zone R-4 as follows:

**22.20.360 Uses subject to director's review and approval.**

...

B.

...

~~Child care centers, where operated in conjunction with and incidental to a legally established accredited school offering instruction required to be taught by the Education Code.~~

...

**SECTION 14.** Subsection A of Section 22.20.370 is hereby amended to delete child care centers from the list of uses subject to permits in Zone R-4 as follows:

**22.20.370 Uses subject to permits.**

...

A.

...

~~Child care centers, except as otherwise provided in Section 22.20.360.~~

...

**SECTION 15.** Subsections 22.28.030.A, 22.28.080.A.2, 22.28.130.A.2, 22.28.180.A.2, 22.28.230.A.2, and 22.40.190.A.2 are hereby amended to revise the list of permitted uses in Zones C-H, C-1, C-2, C-3, C-M, and R-R in alphabetical order as follows:

. . .

-- Family child care homes, large.

-- Family ~~day~~ child care homes, small.

. . .

**SECTION 16.** Subsection A.1 of Section 22.28.290 is hereby amended to revise the list of permitted uses in Zone C-R in alphabetical order as follows:

**22.28.290 Permitted uses.**

A. . . .

1. Services.

. . .

-- Child care centers.

. . .

-- Family child care homes, large.

-- Family child care homes, small.

. . .

**SECTION 17.** Subsection C is hereby added to Section 22.32.150 to read as follows:

**22.32.150 Permitted and conditional uses - - Development standards.**

. . .

C. If a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, property in Zone MPD may be used for child care centers.

**SECTION 18.** Subsection H.10 of Section 22.52.840 is hereby amended to read as follows:

**22.52.840 Outdoor advertising signs - - Conditions.**

. . .

H. Tobacco Advertising Prohibited in Certain Areas of the County.

. . .

10. "Child care center" means a facility, other than a family ~~day~~ child care home, in which less than 24-hour-per-day nonmedical care and supervision is provided for children in a group setting as defined and licensed under the regulations of the state of California.

For purposes of this subsection, "child care center" shall not include such a facility when it is appurtenant and clearly subordinate to a commercial or industrial activity, established on the same lot or parcel, and operated for the children of the employees of the commercial or industrial activity.

. . .

**SECTION 19.** Subsection I.10 of Section 22.52.840 is hereby amended to read as follows:

**22.52.840 Outdoor advertising signs - - Conditions.**

. . .

I. Alcoholic Beverage Advertising Prohibited in Certain Areas of the County.

. . .

10. "Child care center" means a facility, other than a family day child care home, in which less than 24-hour-per-day nonmedical care and supervision is provided for children in a group setting as defined and licensed under the regulations of the state of California.

For purposes of this subsection, "child care center" shall not include such a facility when it is appurtenant and clearly subordinate to a commercial or industrial activity, established on the same lot or parcel, and operated for the children of the employees of the commercial or industrial activity.

. . .

**SECTION 20.** Subsection J.9 of Section 22.52.840 is hereby amended to read as follows:

**22.52.840 Outdoor advertising signs - - Conditions.**

. . .

J. Advertising Adult Telephone Messages Prohibited in Certain Areas of the County.

. . .

9. “Child care Center” means a facility, other than a family ~~day~~ child care home, in which less than 24-hour-per-day nonmedical care and supervision is provided for children in a group setting as defined and licensed under the regulations of the state of California.

For purposes of this subsection, “child care center” shall not include such a facility when it is appurtenant and clearly subordinate to a commercial or industrial activity, established on the same lot or parcel, and operated for the children of the employees of the commercial or industrial activity.

. . .

**SECTION 21.** Section 22.52.1105 is hereby amended to read as follows:

**22.52.1105 Day care facilities.**

A. Every adult day care facility, and child care center ~~and large family day care home~~ shall have one parking space for each ~~nonresident~~ staff member and any motor vehicle used directly in conducting such use.

B. In addition to the parking required in subsection A of this section, each child care center shall have one parking space for each 20 children for whom a license has been issued by the State of California. Every ~~large family day care home and each~~ child care center shall have a specific area designated and marked for off-street drop-off and pickup of the children.

**SECTION 22.** Section 22.56.1757 is hereby amended to read as follows:

**22.56.1757 Director's review -- Large family day child care homes.**

A. An application for a large family day child care home shall contain the information as required in Section 22.56.1680, except that the applicant need not comply with subsection B of that section, and shall substantiate to the satisfaction of the director the applicable findings required by subsections C.1 and C.2 below.

~~B. In all cases where an application is filed and the applicant is not the owner of all the property proposed to be used, the director shall cause a notice indicating the applicant's request to be given to all persons listed in the application as owning any or all of the property to be used.~~

~~C. The director shall approve an application for a large family day care home that complies with the following standards and limitations:~~

~~1. Parking spaces shall be provided in accordance with Section 22.52.1105.~~

~~2. A specific area shall be designated and marked for off-street drop-off and pickup of children in accordance with Section 22.52.1105.~~

~~3. The large family day care home is not located within a 300-foot radius of an existing large family day care home.~~

~~D. A large family day care home in a single-family residence may, in lieu of the standards described in subsections C1 and C2, provide an area of sufficient size to accommodate one standard size vehicle for each nonresident staff member and an area for the off-street drop-off and pickup of children, plus adequate access thereto.~~

B. The director shall cause notice of the proposed use to be mailed, as specified in subsection C.3 below. The notice shall describe the proposed facility and the proposed modification(s) to the standards cited in Section 22.20.021, as well as state that any person opposed to the granting of such modification may submit a written protest to the director within the prescribed 15-day period.

E.C. The director may, without public hearing, approve a modification of the requirements contained in subsections ~~C and D~~ A.1 and A.2 of Section 22.20.021 where he finds:

1. For a modification of the requirements contained in subsection A.1 of Section 22.20.021, ~~that~~ said modification will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property;

2. For a modification of the requirements contained in subsection A.2 of Section 22.20.021, that said modification will not result in traffic congestion and that the proposed facility is necessary to serve the needs of children not met in existing nearby large family child care homes.

~~2 3. That no written protest to the proposed modification has been received within 15 working days following the date of mailing by the director, of notice of the proposed modification by first class mail, postage prepaid, to all persons whose names and addresses appear on the latest available assessment roll of the county of Los Angeles as owning property within a distance of 100 feet from the exterior boundaries of the parcel of land on which the use is proposed. Such notice shall also~~

~~indicate that any person opposed to the granting of such modification may express such opposition by written protest to the director within the prescribed 15-day period. owners and occupants of the subject property and of all properties within a comparable proximity to the proposed facility as those properties described in subsection A.2 of Section 22.20.021, as determined by the director.~~

~~FD.~~ In all cases where a timely written protest to the proposed modification has been received a public hearing shall be scheduled before the hearing officer. Notification shall be as provided for in subsection ~~E2C~~3. All procedures relative to public hearing and appeal shall be the same as for a conditional use permit. ~~f~~Following a public hearing, the hearing officer shall approve or deny the proposed modification, based on the findings required by this section for approval by the director exclusive of written protest.

**SECTION 23.** Subsection A of Section 22.60.100 is hereby amended to add the following fees in alphabetical order as follows:

**22.60.100 Filing fees and deposits.**

A.

. . .

-- Conditional Use Permits for Child Care Centers - \$2,239.00, except that a reduced fee of \$1,119.00 shall be imposed where the applicant is a nonprofit organization having an annual operating budget of less than \$500,000.00. As used herein, "nonprofit organization" means an organization formed under the Nonprofit Public Benefit Corporation Law (Corporations Code section 5110 et seq.) and as



described in Section 501 (c) of the Internal Revenue Code of 1986; provided, however that a corporation or any body organized for the private gain of any person, or for which any part of the net earnings inures to the benefit of any private shareholder or individual is not a nonprofit organization as used herein.

. . .

-- Site Plan Review, Director's Review for Large Family Child Care Homes,  
\$144.00.

. . .

-- Site Plan Review, Director's Review for Child Care Centers--\$289.00,  
except that a reduced fee of \$144.00 shall be imposed where the applicant is a  
nonprofit organization having an annual operating budget of less than \$500,000.00. As  
used herein, "nonprofit organization" means an organization formed under the Nonprofit  
Public Benefit Corporation Law (Corporations Code section 5110 et seq.) and as  
described in Section 501 (c) of the Internal Revenue Code of 1986; provided, however  
that a corporation or any body organized for the private gain of any person, or for which  
any part of the net earnings inures to the benefit of any private shareholder or individual  
is not a nonprofit organization as used herein.

. . .

**SECTION 24.** Subsection A.4.a of Section 22.60.230 is hereby amended to read as follows:

**22.60.230 Initiation of appeals and calls for review.**

A. Appeals.

. . .

4. Fee for appeals to the Regional Planning Commission.

a. Processing Fee. Upon filing an appeal with the regional planning commission, the appellant shall pay a processing fee in the amount of \$1027.00 to be applied in its entirety to the department of regional planning; provided, however, that when an appeal is filed from a director's review of a large family child care home, the amount of the processing fee shall be \$260.00.

. . .

**SECTION 25.** Subsection A.5 of Section 22.60.230 is hereby amended to read as follows:

**22.60.230 Initiation of appeals and call for review.**

A. Appeals.

. . .

5. Exception to Fees. ~~In spite of the preceding prescribed fees for appeals, w~~When the appellant is not the applicant, the preceding prescribed fees for appeals shall be reduced by 50 percent, except that this reduction shall not apply to the processing fee for an appeal from a director's review of a large family child care home, as prescribed in subsection 4.a.

**SECTION 26**. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Executive Officer - Clerk of the Board of  
Supervisors of the County of Los Angeles

I hereby certify that at its meeting of June 22, 2004, the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Noes

Supervisors Gloria Molina  
Yvonne B. Burke  
Zev Yaroslavsky  
Michael D. Antonovich  
Don Knabe

Supervisors None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Effective Date: July 22, 2004

~~Operative Date:~~ \_\_\_\_\_

\_\_\_\_\_  
Executive Officer - Clerk of the Board of  
Supervisors of the County of Los Angeles

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

By \_\_\_\_\_  
Raymond G. Fortner, Jr.  
Chief Deputy County Counsel